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February 28, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

By Messenger

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: CC Docket No. 92-297, RM-7872, RM-7722
Ex Parte Presentation

Dear Mr. Caton:

The enclosed written materials were delivered today to Mr. Scott Blake Harris, Ms. Michele Farquhar and the other Commission representatives listed thereon.

An original and two copies of this letter are enclosed.

Respectfully submitted,

John P. Janka

Enclosures

No. of Copies rec'd 0+7
List ABCDE

February 28, 1996

Via Messenger

Scott Blake Harris
Chief, International Bureau
Federal Communications Commission
2000 M Street, NW., Room 800
Washington, D.C. 20554

Michele Farquhar
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Re: CC Docket 92-297
28 GHz Spectrum Band Plans

Dear Mr. Harris and Ms. Farquhar:

The undersigned companies, who are leaders in the satellite industry, are writing to express their collective views on a critical issue now pending before the Commission: How much of the existing 2.5 GHz spectrum allocation at 28 GHz will remain available for use by the geostationary ("GSO") fixed-satellite service ("FSS"). Each of us has an application pending before the Commission for a global 28 GHz satellite system and therefore has a vested interest in a prompt and fair resolution of this proceeding.

As you are both aware, the U.S. satellite industry generates billions of dollars annually for the U.S. economy, from spacecraft construction, launch services, the provision of capacity, and the sale of satellite transmit and receive equipment. The ability to continue to generate this revenue is tied directly to continued access to sufficient spectrum to support growth. As the Commission is well aware, global spectrum congestion in the C and Ku bands is a critical problem that is receiving worldwide attention. We are now turning to the 28 GHz band in order to relieve this congestion and to provide new services that cannot be provided today at C or Ku band. The types of interactive broadband services that we envision for the 28 GHz band will require access to at least as much spectrum as is currently provided today at C and Ku band, where hybrid satellites typically utilize 1000 MHz at a single orbital location. In the early 1970s, both the ITU and the FCC allocated 2.5 GHz of

the 28 GHz band as a critical expansion band for satellites. The foresight of that decision should not be lost in the current proceeding.

Continued access to at least 1 GHz of the 28 GHz band in the United States is essential to the U.S. GSO FSS satellite industry. We are aware of the many different interests that the Commission is struggling to accommodate in the 28 GHz rulemaking. Having arrived at a means to share part of the 28 GHz band with NGSO MSS feeder links, we are able to fully endorse the band plan proposed by the Commission in the July 1995 NPRM, where the Commission itself acknowledged the need for the GSO FSS to have access to 1000 MHz of the 28 GHz band. We do recognize that a number of parties now oppose that plan because of an inability to come to terms on a way for LMDS return links to share with NGSO MSS feeder links, and that those parties are urging the Commission to adopt alternative proposals known as Option 3 or Option 4, which would reduce the GSO FSS spectrum allocation further.

While we can accept the July 1995 proposal (Option 1), or the alternative proposals known as Options 2, 2A, 2B and 5, neither Option 3 nor Option 4 adequately accommodates our 1000 MHz needs. Options 3 and 4 are inequitable and unacceptable because they place on GSO FSS systems the burden of solving the LMDS return link problem.

The 125 or 75 MHz GSO FSS spectrum reduction proposed under Options 3 and 4 require the GSO FSS, the one service that has not changed its requirements throughout this proceeding, to make further compromises on top of the many significant compromises we have made already: (i) sharing conditions with the MSS feeder links, (ii) use of non-standard downlink pairing to accommodate Iridium's requests, (iii) a spectrum plan that solves potential Teledesic problems with the space sciences, (iv) LMDS grandfathering, and (v) the use of non-contiguous spectrum. In addition, in calculating how much spectrum any service will have available to it, we urge you to take into consideration the fact that close orbital spacing of GSO spacecraft, which facilitates multiple entry and competition, requires coordination between adjacent spacecraft that effectively reduces by 5-15% the nominal 1000 MHz we have requested.

There are alternatives on the table that more equitably spread the burden. In particular, Option 5 provides for the full stated U.S. domestic spectrum needs of every service: LMDS, MSS feeder links, NGSO FSS and GSO FSS. Option 5 does require

LMDS to address the very same non-contiguous spectrum issue that the Commission has asked the GSO FSS to bear. But since both LMDS and many GSO FSS systems have targeted the mass consumer market, there is no reason that each of us cannot incorporate the use of non-contiguous spectrum into our systems and still serve that market.

* * *

We urge the Commission to reject Options 3 and 4 because they would provide less than 1000 MHz for the GSO FSS and place on us the burden of solving the LMDS return link problem. Instead, in order to solve that problem, the Commission should pursue Option 5. We look forward to a prompt resolution of this proceeding so that all parties may begin to pursue their business plans.

Respectfully submitted,

Hughes Communications Galaxy, Inc.

By: _____
Edward J. Fitzpatrick
Vice President

AT&T Corp.

By: _____
Waring Partridge
Vice President

GE American Communications, Inc.

By: _____
Philip V. Otero
Vice President

Loral Corporation

By: _____
Michael B. Targoff
Senior Vice President

Lockheed Martin Corporation

By: _____
Gerald Musarra
Senior Director,
Commercial Programs
Space and Strategic Missiles Sector

cc: Chairman Reed E. Hundt
Commissioner James H. Quello
Commissioner Andrew C. Barrett
Commissioner Susan Ness
Commissioner Rachelle Chong
Mr. Rudy Baca
Mr. Brian Carter
Ms. Jackie Chorney
Ms. Jennifer Gilsenan
Mr. Donald Gips
Ms. Giselle Gomez
Mr. Robert James
Mr. Karl Kensinger
Ms. Susan Magnotti
Dr. Michael Marcus
Ms. Mary McManus
Mr. Harry Ng
Dr. Robert Pepper
Dr. Gregory Rosston
Ms. Lisa Smith
Ms. Suzanne Toller
Mr. Thomas Tycz
Mr. David Wye